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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,870	03/16/2004	Ramon M. Velez JR.	1235_005	4466

20874 7590 02/06/2006  
WALL MARJAMA & BILINSKI  
101 SOUTH SALINA STREET  
SUITE 400  
SYRACUSE, NY 13202

EXAMINER

CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,870

Applicant(s)

VELEZ ET AL.

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 3 and 4 are objected to because of the following informalities:  
  
Claim 1, line 4, after "of" (first occurrence), insert --the--.  
  
Claim 1, line 4, "the interior cavity" lacks proper antecedent basis.  
  
Claim 1, line 5, "the lower portion of said guide" lacks proper antecedent basis.  
  
Claim 1, line 6, "the axis" lacks antecedent basis.  
  
Claim 3, lines 1-2, "said means for securing" lacks antecedent basis.  
  
Claim 4, line 1, after "wherein", insert --said--.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 5-329453 (hereinafter Japan '453).

Japan '453 discloses an apparatus in Fig. 2 for dislodging foreign material from a cavity of an object that includes a tubular guide 2 having a distal end and a proximal end such that the distal end of guide can be inserted into the interior cavity of said object, a tubular sleeve 2b mounted over at least the lower portion of said guide so that

Art Unit: 1744

said sleeve can rotate about the axis of said guide, a wire 3 passing through said guide so that an upper end of the wire extends outwardly from the distal end of the guide and a lower portion of the wire extends outwardly from the proximal end of the guide, and wherein the extended lower end of the wire is secured to said sleeve whereby the wire and the sleeve can rotate together about the axis of the guide.

As for claim 2, handle 3b serves as drive means for rotating said sleeve and said wire together.

As for claim 3, said means for securing said lower end of the wire to said sleeve is an adjustable chuck 3c that is connected to said drive means, said chuck having "jaws" that are arranged to close over the sleeve and the wire to "crimp" the wire 3 into engaging contact against the outside of said sleeve whereby the sleeve and the wire can be rotated together by said drive means.

As for claim 5, the wire is deemed to form a "close running fit" with the interior wall of the guide.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan

'453.

It would be well within the level of ordinary skill to provide for an electric motor as the drive means to improve operating efficiency of the apparatus by enabling a higher rpm to be carried out in dislodging foreign material from a cavity.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Mankins '823.

Mankins '823 discloses an apparatus in Figs. 7a, 7b for dislodging foreign material from a cavity of an object that includes a tubular guide defined by shaft 102 having a distal end and a proximal end such that the distal end of guide "can be inserted into the interior cavity of said object" (capable of such a function), a tubular sleeve define by tubular supporting handle 155 mounted over at least the lower portion of said guide (through sleeve 104 since the arrangement is telescopic as recited in col. 7, lines 1-55) so that said sleeve can rotate (col. 7, lines 41-43) about the axis of said guide, a "wire" 106 passing through said guide so that an upper end of the wire extends outwardly from the distal end of the guide (Fig. 11) and a lower portion of the wire extends outwardly from the proximal end of the guide, and wherein the extended lower

Art Unit: 1744

end of the wire is secured to said sleeve 155 (through a mounting block 114 in Fig. 11) whereby the wire and the sleeve can rotate together about the axis of the guide.

As for claim 2, crankhandle 154 serves as drive means for rotating said sleeve and said wire together.

As for claim 5, the wire is deemed to form a "close running fit" with the interior wall of the guide.

### ***Allowable Subject Matter***

8. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Richard Crispino, can be reached at (571) 272-1226. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin

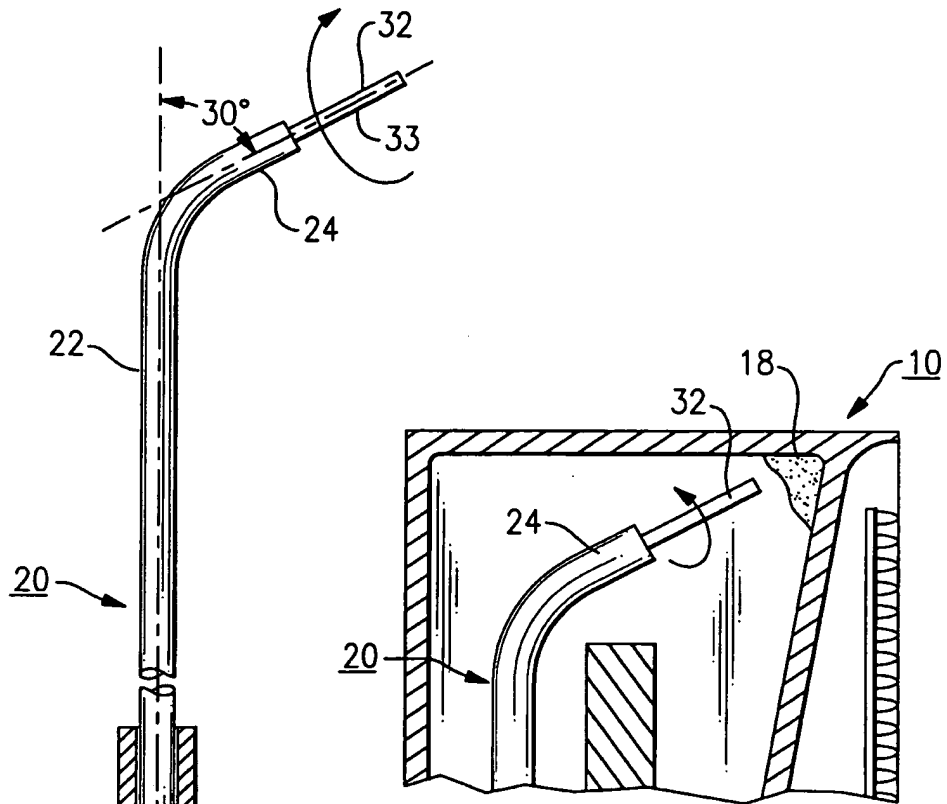


Randall Chin  
Primary Examiner  
Art Unit 1744



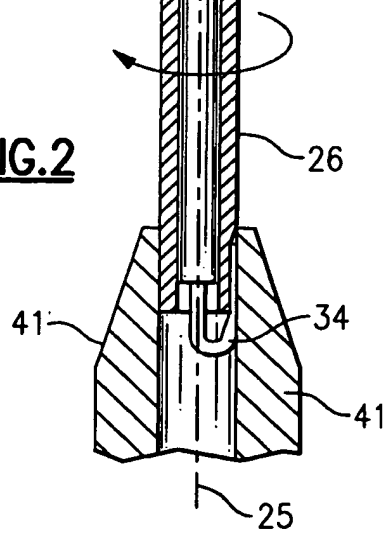
Ser. No.: 10/801,870  
Filed: March 16, 2004  
Art Unit: 1744  
Our Docket No.: 1235\_005  
For: ROTARY PROBE FOR CLEANING AN INTERNAL CAVITY

## REPLACEMENT SHEET



**FIG.3**

**FIG.2**







REPLACEMENT SHEET

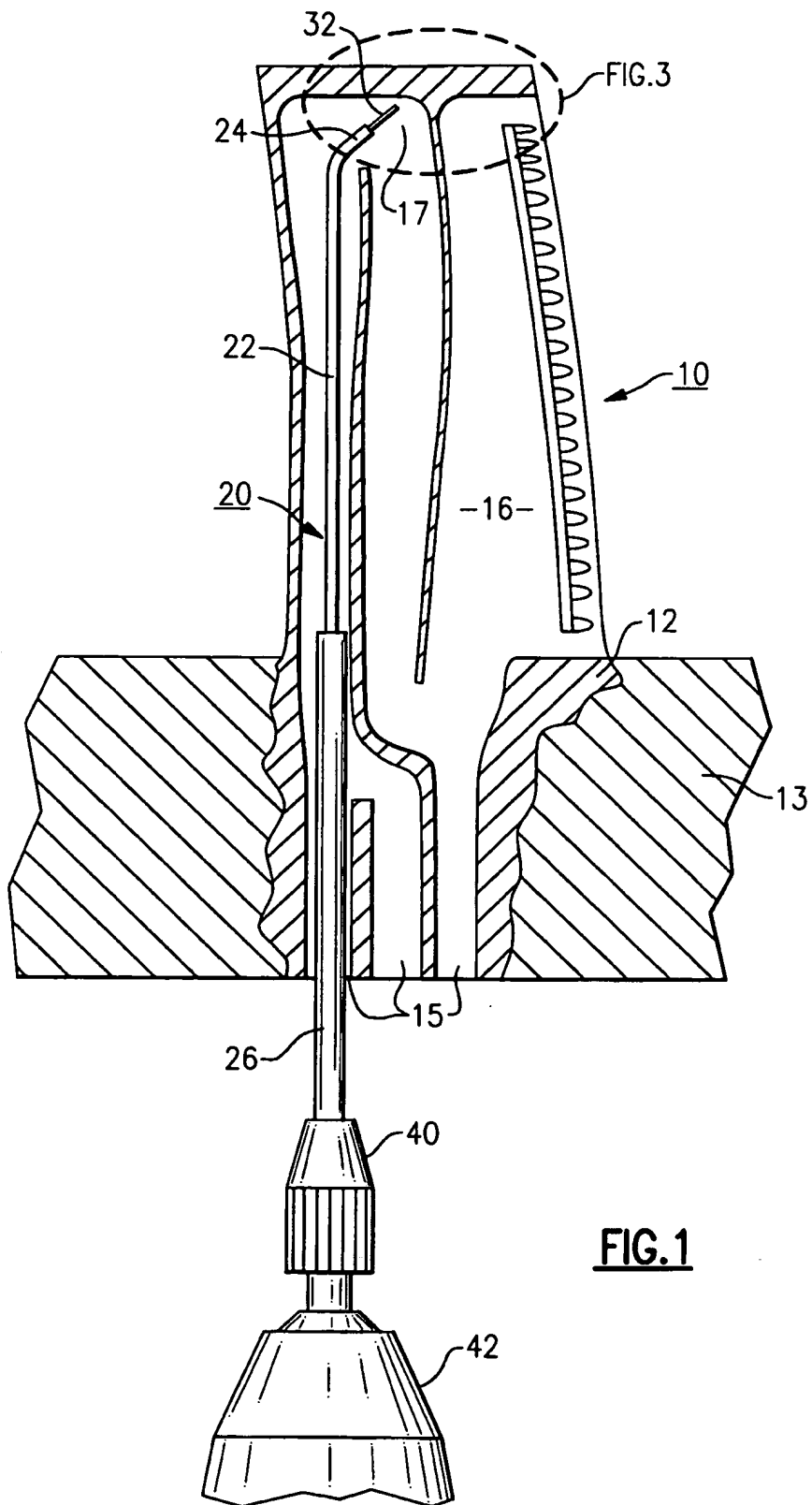


FIG. 1

*approved  
PC*